S.B.Civil Misc. Transfer Petition No.54/2006

Smt. Rekha Gupta.

vs.

Dr. Vivek Gupta.

Date : 15.5.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.S Kala, for the petitioner.

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Heard learned counsel for the petitioner.

The respondent filed one Divorce Petition No.178/2001 in the Family Court, Ajmer which was transferred by the order of this Court in SB Civil Misc. Transfer Petition No.3/2002 by order dated 9.9.2003 to the Court of District Judge, Beawar.

The respondent's another petition filed under Section 6 of the Hindu Minority and Succession Act, 1956 being No.9/2001 filed in Family Court, Ajmer was transferred by the order of this Court in SB Civil Misc. Transfer Petition No.2/2002 by order dated 9.9.2003 to the Court of District Judge, Beawar.

The petitioner herself submitted an execution petition no.23/2004 which according to learned counsel for the petitioner was filed for recovery of the amount from the respondent.

Learned counsel for the petitioner submits that the petitioner will suffer great hardship in case, the execution petition filed by the petitioner is not transferred to the Court at Beawar.

I considered the submissions of learned counsel for the petitioner and also perused the facts of the case.

Since the petitioner herself is executing the order of recovery of the amount against the respondent and the respondent is residing at Ajmer and there is no fact mentioned in the transfer petition that the amount in question can be recovered within Beawar only, then in that situation, the decree will have to be executed at Ajmer only where the judgment debtor or the person against whom the order is there and is carrying on business or profession.

In view of the above, I do not find any reason to transfer the execution petition from the Family Court,

Ajmer to Court of District Judge, Beawar.

Consequently, this transfer petition, having no merits, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya